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EXAMINER

DANIEL JR, WILLIE J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/722,677	Applicant(s) SALVUCCI ET AL.	
	Examiner WILLIE J. DANIEL JR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to application filed on 14 May 2008. **Claims 26-50** are now pending in the present application and **claims 1-25** are cancelled. This office action is made **Final**.

Terminal Disclaimer

2. The terminal disclaimer filed on 27 November 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of **US Patent 6,775,356 B2** has been reviewed and is accepted. The terminal disclaimer has been recorded. See office action mailed on 22 February 2008.

Claim Objections

3. **Claims 27 and 44** are objected to because of the following informalities:
 - a. Claims 27 and 44 are improperly labeled as “**Currently Amended**” and each claim does not include any mark-up and/or amended language. The Examiner interprets the claims as --Previously Presented-- and suggests clarifying the claim status.

Appropriate correction is required.

4. This list of examples is not intended to be exhaustive.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-50 are rejected under 35 U.S.C. 102(e) as being anticipated by **Antonucci et al.** (hereinafter Antonucci) (**US 6,587,545 B1**).

Regarding **claim 26**, Antonucci discloses in a telecommunications system having at least one subscriber wireless device in communication with a telephone network which includes a network path to an emergency service, a method of notifying at least one designated telephone number that an emergency telephone call has been made from the subscriber wireless device (see Fig. 7), comprising steps of:

recognizing an emergency call initiated from said wireless device by a detection mechanism at a detection point along said network path (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

generating additional information including real-time incident and response information (see col. 16, lines 55-67; col. 18, lines 29-51);

associating said emergency call with said additional information separate from information in said emergency call (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7); and

automatically sending a message to an addressable communications device designated by said subscriber, said message including said additional information (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claims 27 and 30**, Antonucci discloses the method of claim 26 wherein said real-time incident and response information includes the location of said wireless device from said a location system, and one or more of incident specific information, person specific information, and vehicle specific information (see col. 16, lines 55-67; col. 18, lines 29-51; col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7).

Regarding **claims 28-29, 31, and 39**, Antonucci discloses in a telephone system an apparatus (see Fig. 7) comprising:

an alert signal generated in response to recognition that a wireless call has been placed to an emergency service (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

a computer connected to said alert signal (see Fig. 7);

a process in said computer that collects real-time data from message content of said wireless call in response to receiving said alert signal (see col. 16, lines 55-67; col. 18, lines 29-51);

said real-time data being collected within an interval between a time that said alert signal is received and a response to said wireless call is initiated (see col. 16, lines 55-67; col. 18, lines 29-51);

a message response system connected to said computer (see col. 16, lines 55-67; col. 18, lines 29-51);

a subscriber database connected to said computer, said subscriber database having a number of subscriber records stored therein (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7);

at least one subscriber record identifying an associated subscriber's subscription to an emergency call notification feature, a subscriber unique identifying information and subscriber supplied information including one or more telephone numbers to be notified (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7);

a wireless call detector (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

a location system connected to said wireless call detector (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

a process in said computer capable of interacting with said message response system and said subscriber database, a subscriber record being fetched by said process from said subscriber database in response to receipt of unique identifying information from said location system that matches an unique identifying information stored in said subscriber database (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7); and

a notify message being sent by said message response system, in response to said process, to notify numbers stored in said one subscriber record, said notify message comprised of said calling phone number, said real-time data collected from said message content of said wireless call and additional information supplied by said computer independent of said subscriber supplied information (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claims 36 and 40**, Antonucci discloses the apparatus in accordance with claim 39 wherein said additional information includes the time, date, subscriber name and subscriber location of said wireless call obtained from said location system (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claim 41**, Antonucci discloses the apparatus in accordance with claim 39 wherein said process in said computer includes the number of a Public Service Answering Point (PSAP) to which the emergency call was routed (see Fig. 7), said apparatus further comprising:

a storage element in said subscriber record in which an ANI of the number of the PSAP to which the emergency call was routed is stored (see col. 22, line 65 - col. 23, line 6; Fig. 7); and

wherein said process presents an option to an answering notified party of receiving said real-time data collected from said message content of said call, a reference to which being stored in said subscriber record as said additional information (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claims 33-34 and 42**, Antonucci discloses the apparatus in accordance with claim 39 wherein said subscriber record includes the subscriber's telephone number, a list of subscriber-supplied notify number(s), and a field that identifies said subscriber's telephone number as a wireless telephone number (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claim 43**, Antonucci discloses a telephone service apparatus within a telephone system in which an automatic message response system provides notification to

identified parties that a wireless call to an emergency service has been made from a subscriber number identifiable by unique identifying information, said emergency service including a location system (see Fig. 7), the improvement characterized by:

a computer having stored therein an alert signal that a call has been placed to said emergency service, said alert signal corresponding to a query made to said location system (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

a process in said computer that collects real-time data from message content of said wireless call in response to receiving said alert signal (see col. 16, lines 23-28,55-67; col. 18, lines 29-51), where information such as location is associated with the caller;

a subscriber database connected to said computer, said subscriber database having stored therein a subscriber record containing indicia corresponding to said identified parties (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7);

said subscriber record being fetched to said computer from said subscriber database in response to said alert signal (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7); and

a message response system connected to said computer, said message response system being activated in response to said indicia to thereby initiate notification to said identified parties that a call to said emergency service has been made from a subscriber number identified by said alert signal (see col. 16, lines 55-67; col. 18, lines 29-51),

said notification including said real-time incident and response information from message content of said wireless call (see col. 16, lines 23-28,55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claims 32 and 44**, Antonucci discloses the apparatus in accordance with claim 43 further characterized by:

said subscriber database having stored therein subscriber data packets containing subscriber data collected from subscribers as part of said telephone service (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7);

each of said subscriber data packets including a subscriber unique identifying information (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7);

said subscriber database containing a number of subscriber data records corresponding to each said subscriber unique identifying information (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7);

a particular subscriber data record having stored therein a unique identifying information, and a particular address of an addressable notify device supplied by a particular subscriber (see col. 22, line 65 - col. 23, line 6; Fig. 7);

said computer having stored therein a particular subscriber data record fetched from said subscriber database memory upon a condition that said particular subscriber unique identifying information in said particular subscriber data record matches said alert signal (see col. 22, line 65 - col. 23, line 6; Fig. 7); and

said indicia being said address of said particular addressable notify device, obtained from said particular subscriber data record (see col. 22, line 65 - col. 23, line 6; Fig. 7).

Regarding **claim 45**, Antonucci discloses the apparatus in accordance with claim 43 wherein said emergency service system includes a Public Safety Answering Point (PSAP) connected to said location database (see Fig. 7), the improvement further characterized by:

a data path between said PSAP and said location system (see Fig. 7);

said alert signal being transferred from said PSAP over said data path between said PSAP and said location system in response to a wireless call placed to said PSAP (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7).

Regarding **claim 46**, Antonucci discloses the apparatus in accordance with claim 45 wherein said subscriber record includes the subscriber's telephone number, a list of subscriber-supplied notify number(s), and one or more of the subscriber's name and location, an account status, subscriber-supplied Internet addresses, an information line associated with a Public Safety Answering Point (PSAP) servicing the subscriber's telephone number, a language choice, a call later tag and a security code (see col. 22, line 65 - col. 23, line 6; col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Regarding **claim 47**, Antonucci discloses the apparatus in accordance with claim 43 further characterized by:

said computer having stored therein, in addition to said alert signal, associated data received from said location system (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

said notify message comprised of a calling phone number derived from said alert signal and additional information derived from data sources including said location system (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7).

Regarding **claim 48**, Antonucci discloses the apparatus in accordance with claim 47 wherein said additional information includes the time, date, subscriber name and subscriber location obtained from a location system for wireless calls (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7).

Regarding **claims 35, 37, and 49**, Antonucci discloses the apparatus in accordance with claim 45 further characterized by:

said computer having stored therein, in addition to said alert signal, associated data received from said location system (see col. 22, lines 24-34; col. 21, lines 43-48; col. 14, lines 39-43; col. 13, lines 25-31; Fig. 7);

said notify message comprised of a calling phone number derived from said alert signal and additional information derived from data sources including said location system (see col. 22, line 65 - col. 23, line 6; Fig. 7).

Regarding **claims 38 and 50**, Antonucci discloses the apparatus in accordance with claim 49 wherein said additional information includes the time, date, subscriber name and subscriber location obtained from said location system (see col. 16, lines 55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7).

Response to Arguments

6. Applicant's arguments with respect to claims 28-29 and 43 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

7. Regarding applicant's argument of claim 26 on pg. 17, "...generating additional information including real-time incident and response information; automatically sending a message to an addressable communications device designated by said subscriber, said message including said additional information...", the Examiner respectfully disagrees. Applicant has failed to appreciate the teachings of well-known prior art Antonucci that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. As a note, applicant did not argue the other feature(s) in which the Examiner interprets that applicant must agree that the feature(s) is met by the applied reference. In particular, Antonucci discloses the feature(s) generating additional information including real-time incident and response information (see col. 16, lines 23-28,55-67; col. 18, lines 29-51); automatically sending a message to an addressable communications device designated by said subscriber, said message including said additional information (see col. 16, lines 23-28,55-67; col. 18, lines 29-51; col. 17, lines 39-43; Fig. 7), where information such as location is associated with the caller. Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

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8. Regarding applicant's argument(s) of claims 27, 29-42, and 44-50, the claims are addressed for the same reasons as set forth above and as applied above in each claim rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
08 August 2008

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617